

CALFRESH (CF) PROGRAM

REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. If additional space is needed, please use the second page. Be sure to identify the additional discussion with the appropriate number and heading. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO:		5. DATE OF REQUEST:	NEED RESPONSE BY:
<input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input checked="" type="checkbox"/> Other:		4/20/2018	5/1/18
2. REQUESTOR NAME:		6. COUNTY/ORGANIZATION:	
3. PHONE NO.:		Solano County	
4. REGULATION CITE(S):		7. SUBJECT:	
63-301		Establishing an Overissuance	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):		8. REFERENCES: (Include ACL/ACIN, court cases, etc. in references) NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
<p>CF household is SAR period Jan. thru June. The HH income goes over IRT on Feb. 25. The client does not report this information until March 15, therefore it is considered untimely. Is an OI established for March even though if the HH had reported the change timely there was not enough time to provide 10 day notice to decrease the benefits.</p>		<p>ACL 12-25, PI dated 5/23/17</p>	

10. REQUESTOR'S PROPOSED ANSWER:

ACL 12-25 page 77 states ...even if the recipient had reported the change within 10 days, the CWD could not have decreased benefits for May due to the 10-day notice requirement. Therefore, no OI can be established... Page 78 states: OIs will not be assessed based on a timely, accurate and complete report where the 10-day notice alone delayed issuance of the correct allotment. OIs will be assessed when late reporting alone or together with the 10-day notice requirement delayed issuance of the correct allotment

In the PI dated 5/23/17 Scenario #1, an OI is established in a month where there was no time for 10 day notice but the HH did not report timely.

This information is unclear, the county wants to confirm the appropriate action to take in these situations.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

Per ACL 12-25 page 77, an OI will be assessed if the HH income goes over the IRT and the HH fails to make the mandatory report of income within 10 days of receipt. During an OI assessment the CWD must determine if the HH was mandated to report that income mid-period. Once the CWD has assessed for an OI due to failure to report the CWD should then consider whether a timely report would have resulted in decreased/discontinued benefits had the HH reported the income change within 10 days.

Based on the given scenario, even though a OI was assessed due to failure to report within 10 days, an OI will not be established for the month of February because the CWD could not have decreased/discontinued benefits due to the the 10-day notice requirement, even if the HH had reported timely. Therefore, the CWD should not establish an OI for the (continue on page 2)

FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ:
April 23, 2018	May 8, 2018 EB

**CALFRESH (CF) PROGRAM
REQUEST FOR POLICY/REGULATION INTERPRETATION (Continued)**

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	6. COUNTY/ORGANIZATION:	
	7. SUBJECT:	
2. REQUESTOR NAME:	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
3. PHONE NO.:		
4. REGULATION CITE(S):		

the month of March. The CWD should, however, establish an OI for CalFresh benefits that were issued in the higher amount for the months of April through June.

The PI dated May 23, 2018 is in the process of being revised.